Appl. No. 10/597,516
Amdt. dated September 25, 2009
Reply to Office Action of June 25, 2009

Atty. Ref. 89191.0015
Customer No. 26021

Remarks/Argument

Reconsideration of this application is requested.

Statement of Substance of Interview

A telephone interview was held between applicant's representative Terry Tsai and the Examiner on September 1, 2009. Applicant thanks the Examiner for the courtesy of the interview. During the interview, distinguishing features of present invention were discussed, and the Examiner indicated that the proposed amended claim 1 reciting "simultaneous call means for transmitting a call signal to a broadcast address corresponding to said subnet when calling the mobile station device, and thereby transmits the signal to the plurality of base station devices" would distinguish over the cited art. Thus, as discussed below, claims 1 and 5 are amended in this fashion.

Claim Status

Claims 1-6 were presented. Claims 1, 2, 4 and 5 are amended. New claims 7 and 8 are added. Thus, claims 1-8 are now pending.

Claim Rejections – 35 USC 103

Claims 1 and 5 are rejected under 35 USC 103(a) as obvious over Chen (US 7,039,028) in view of Abraham (US 7,298,716). Claims 2-4 and 6 are rejected as obvious over Chen in view of Abraham and Oshima (US 2003/0152038). In response, because the applied references, even combined, do not teach or suggest all required limitations of amended claims 1 and 5, applicant traverses the rejections.

Amended claim 1 recites, in pertinent part:

> ... simultaneous call means for transmitting a call signal
> to a broadcast address corresponding to said subnet when
> calling the mobile station device, and thereby transmits
> the signal to the plurality of base station devices.

Thus, claim 1 requires a subnet with a plurality of base station devices, and a broadcast address corresponding to the subnet. Claim 1 further requires a

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"simultaneous call means for transmitting a call signal to a broadcast address corresponding to said subnet when calling the mobile station device, and thereby transmits the signal to the plurality of base station devices". The cited art does not teach or suggest at least the "simultaneous call means" as required by claim 1.

The Action asserts that Chen teaches "a subnet with a plurality of base station devices," but acknowledges that it does not teach or suggest the "simultaneous call means" of claim 1. Abraham and Oshima references likewise fail to teach this feature.

Abraham is directed to communications between clusters of mobile devices in ad hoc networks. FIG. 1 of Abraham illustrates an ad hoc network having clusters 1021, 1022 and 1023 (col. 3, lines 1-14). Each cluster includes a plurality of mobile station devices (col. 3, lines 15-18; stating "The nodes 104 are mobile communication devices, such as PDA's, laptops, among other mobile communication devices capable of transmitting and receiving packetized information."). In each cluster, one mobile station device is selected as the cluster head (col. 3, lines 1-14; FIG. 1 reference characters 1041C, 1042C and 1043C). In each cluster, all the mobile station devices are assigned the same subnet address. When a mobile station device wishes to communicate with another mobile station device, it broadcasts a routing request including the subnet address of the destination mobile station device. In the case that the destination mobile station device is in another cluster (that the subnet address of the destination mobile station device is different than the requesting mobile station device), the cluster head of the requesting mobile station device rebroadcasts the subnet address of the destination mobile station device to the cluster head of the destination mobile station device (col, 3, line 63 — col. 4, line 13).

As discussed in the interview, Abraham does not teach or suggest "simultaneous call means for transmitting a call signal to a broadcast address corresponding to said subnet when calling the mobile station device, and thereby

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transmits the signal to the plurality of base station devices." The Action asserts the cluster head as corresponding to the base station device, and the subnet address of Abraham as corresponding to the broadcast address of the claims. However, as discussed above, the subnet address of Abraham covers all devices of but one cluster (id.), and thus, only one cluster head (the base station device according to the Action) would be included in the subnet address. Accordingly, Abraham does not teach or suggest "a broadcast address" corresponding to a subnet of a plurality of base station devices.

Moreover, when a mobile station device in Abraham wishes to communicate with another mobile station device, it broadcasts a routing request including the subnet address of the destination mobile station device to only the local cluster (id.) Thus, Abraham does not teach or suggest the required "simultaneous call means" that effects transmission of call signal to a the plurality of base station devices.

Accordingly, Chen and Abraham, even combined, do not teach or suggest all features of amended claim 1. Moreover, Chen and Abraham cannot be combined because the proposed modification would render Abraham unsatisfactory for it intended purpose (MPEP 2143.01.V). In particular, Abraham is intended as a sleep protocol for an ad hoc network (col. 2, lines 57-67). According to Abraham, an ad hoc network is a network of mobile station devices that does not require fixed infrastructure (base station devices)(col. 1, lines 13-14). Moreover, Abraham teaches that "[p]otential applications of ad hoc networks illustratively include battlefield networks, emergency networks in disaster areas, among other network environments not requiring a stationary communications device, such as a base station for establishing communications between mobile devices" (col. 1, lines 24-29; emphasis added by applicant). Thus, the proposed modification of adding a base station device is contrary to Abraham's intended purpose of establishing ad hoc networks in areas without a base station device.

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Oshima is likewise lacking as a remedy to Chen's deficiencies. Oshima is directed to a network system having a router that facilitates a network setup. The router receives a transmission packet containing a MAC address broadcast from a terminal in a network. The router then relates the IP address and port no. to the MAC address and store them as network information (Abstract). Oshima, however, does not teach or suggest the features of claims 1 and 5 discussed above.

For these reasons, because Chen, Abraham and Oshima do not disclose or suggest each and every feature of claim 1, claim 1 is not obvious over Chen, Abraham and Oshima. Claim 5 requires similar distinguishing limitations as those of claim 1 discussed above and is thus allowable for the same reasons as claim 1. Accordingly, the rejections under 35 USC 103 of claims 1 and 5, and claims 2-4 and 6 depending therefrom, should be withdrawn.
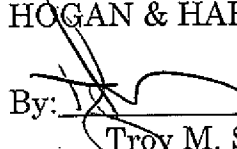
New Claims

New claims 7 and 8 are added to better define the invention and are submitted to be allowable over the art of record.

Conclusion

This application is now in condition for allowance. The Examiner is invited to contact the undersigned to resolve any issues that remain after consideration and entry of this amendment. Any fees due with this response may be charged to our Deposit Account No. 50-1314.

Respectfully submitted,

HOGAN & HARTSON L.L.P.

Date: September 25, 2009

By: _____

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